

October 10, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74
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**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 a.m.

David R. Mills, Chair, District 2
Nora Patterson, Vice Chair, District 4
Paul H. Mercier, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Peter Ramsden, Clerk of the Circuit Court Finance Director
Paula Clintsman, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Dr. Karl Kling, Bee Ridge Presbyterian Church

PLEDGE OF ALLEGIANCE

Commissioner Patterson

PRESENTATION OF PROCLAMATIONS:

National 4-H Week in Sarasota County - October 1 through October 7, 2006
Conflict Resolution Day - October 19, 2006
National Domestic Violence Awareness Month - October 2006
National Energy Awareness Month - October 2006

PRESENTATIONS:

Playscape Budget Book Artwork Contest Winners
Chief Judge Robert Bennett - Chair Mills Years of Service Recognition

PERFORMANCE RECOGNIZED AS OUTSTANDING (PRO) AWARDS:

Linda Bolmer, Outstanding Leadership, Health and Human Services
Anita DeMarco, Heroism, Administration

CONSENT MOTION

A motion was made by Commr. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Items 1-23 as follows, with the exception of Items 2, 7, 9, 11, 12, 14, and 16, considered later this meeting.

1. PROCLAMATIONS

Ratified the following previously issued Proclamations:

- A.** Financial Planning Week - October 2 through October 8, 2006;
- B.** Oktoberfest Suncoast - October 6 through 8 and October 13 through 15, 2006;
- C.** Comcast Cares Day - October 7, 2006.

2. CONTRACTS

See consideration of a Contract with Sean Patrick Hill to purchase four boat slip lots of canal-front land adjacent to the Nokomis-Riverview Park, later this meeting.

3. FINANCIAL PLANNING

Approved payment to Progressive Insurance as subrogee of Christina Zellner for full and final settlement of a subrogation claim, in the amount of \$5,234.37.

4. CONTRACTS

Approved Contract No. 2007-002, a Software and Services Agreement, with CS STARS, LLC, for Risk Management System services, in the amount of \$52,300.00 annually for a three-year period.

5. ADVISORY BOARDS

Appointed Carlton Shelley to serve a one-year term on the Stormwater Environmental Utility Advisory Committee, as the STAR (Student Taking Active Roles) in Government Representative, effective through October 2007.

6. CONTRACTS

Approved Contract No. 2007-003, a License Agreement, with Charlie Dean Towers, Inc., for a wireless communication facility on County-owned property located near Serenoa Drive, Sarasota, at a base rate of \$1,000.00 per month.

7. CONTRACTS

See consideration of a Contract with Westra Construction Corporation for the construction of the Phillippi Creek Septic System Replacement Program (PCSSRP), Area C, and the Bahia Vista Street (Pinecraft Neighborhood) Sidewalk Improvement Project, later this meeting.

8. CONTRACTS

- A. Approved Contract No. 2007-005 with the Sarasota County School Board to use School Board-owned property lying within the SCTI South Tract B, Venice Gardens, Unit 34, Section 3, as a Debris Management Site in the event of a natural or man-made disaster;
- B. Approved Contract No. 2007-006 with the Sarasota County School Board to use School Board-owned property lying within the Englewood Recreation Center, Lot 77, Plat of Englewood, as a Debris Management Site in the event of a natural or man-made disaster.

9. CONTRACTS/RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. A Contract with the Southwest Florida Water Management District (SWFWMD) for the Spoil Islands Restoration Project;
- B. A Resolution, Budget Amendment No. B2007-002, to appropriate the funding.

10. RESOLUTIONS

Adopted Resolution No. 2006-208 to authorize the County Administrator or designee to execute Installation and Maintenance Agreements for Low Pressure Wastewater Collection Systems.

11. CONTRACTS

See consideration of the following Items, later this meeting:

- A. A Contract with Gulfcoast Legal Services for legal services;
- B. A Contract with Legal Aid of Manasota, Inc., for legal services.

12. CONTRACTS

See consideration of a Contract with Stantec Consulting Services, Inc., for the update of the Englewood Redevelopment Plan, later this meeting.

13. ORDINANCES

Authorized execution of Substitute Ordinance No. 2004-021 (adopted by the Board on January 28, 2004, by a 4-0 vote, with Commr. Thaxton not present), for Rezone Petition No. 02-34.

14. CONTRACTS

See consideration of a Contract with Kuxhausen Construction, Inc., for the construction of the Tuttle Avenue/University Parkway Intersection Improvement Project, later this meeting.

15. CONTRACTS

Approved Contract No. 2007-012, Amendment No. 2 to Contract No. 2004-013, with the Palmer Ranch Property Owners Association, Inc., for median and roadside maintenance in an amount not to exceed \$214,912.80, effective October 7, 2006, for a three-year period.

16. RESOLUTIONS/CONTRACTS

See consideration of the following Items, later this meeting:

- A.** A Resolution for the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission, to add the Pine Street Improvement Project to the list of authorized projects;
- B.** A Contract with Frederick Derr and Company, Inc., for the construction of the Pine Street Improvement Project.

17. RESOLUTIONS

Adopted Resolution No. 2006-210 to install a four-way stop traffic control at the Bal Harbor and Lakeside Drive intersection, as recommended by the Traffic Advisory Council.

18. RESOLUTIONS

Adopted Resolution No. 2006-211 to install a stop sign on Riverwood Circle at Riverwood Avenue, as recommended by the Traffic Advisory Council.

19. RESOLUTIONS

Adopted Resolution No. 2006-212 to prohibit tractor trailer parking on Mall Drive between Gateway and Superior Avenues, and on Gateway and Superior Avenues between Gulf Gate Drive and Mall Drive, as recommended by the Traffic Advisory Council.

20. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2007-014, a Memorandum of Agreement, with the Florida Department of Agriculture and Consumer Services for an Urban and Community Forestry Grant, in the amount of \$10,000.00;
- B.** Adopted Resolution No. 2006-213 to authorize the execution of the Urban and Community Forestry Grant Memorandum of Agreement;
- C.** Adopted Resolution No. 2006-214, Budget Amendment No. B2007-003, amending the Fiscal Year (FY) 2007 Budget to appropriate Florida Department of Agriculture and Consumer Services Grant funding for the Children's Educational Forestry Website - Forestopia.

21. GRANTS/RESOLUTIONS

- A.** Ratified the Chair's signature for the Sheriff's Office to apply to the Florida Department of Law Enforcement (FDLE) through funds from the Department of Homeland Security, Office of Domestic Preparedness for allocated Grant funds;

21. GRANTS/RESOLUTIONS - Continued

- B.** Adopted Resolution No. 2006-215, Budget Amendment No. B2007-005, to appropriate the FDLE State Grant, in the amount of \$90,671.00.

22. WARRANTS

Ratified and approved the warrants dated September 18 through September 29, 2006, in the amount of \$49,006,795.66, as detailed in the voucher packages filed in the Finance Department.

23. MINUTES

Approved the Minutes of the meetings dated September 14, September 15, September 18, September 25, September 26, and September 27, 2006.

2. CONTRACTS - Continued

Discussions were held with Community Services Parks and Recreation General Manager John McCarthy on the ownership of the parcels, adequate access and parking, and the location map depicting the proposed parcels and access to the water for the four boat slip lots of canal-front land adjacent to the Nokomis-Riverview Park.

Commr. Staub moved to approve Contract No. 2007-001, a Purchase and Sale Agreement, with Sean Patrick Hill to purchase four boat slip lots of canal-front land adjacent to the Nokomis-Riverview Park, in the amount of \$20,000.00, and to authorize Staff to complete all due diligence involved in the acquisition of the property. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(9:33:45)

7. CONTRACTS - Continued

Commr. Mercier inquired and Environmental Services Utilities Engineering Manager Gregory Rouse, County Administrator James Ley, and County Attorney Stephen DeMarsh commented on the use and availability of the Neighborhood Initiative Funds, the terms and scope of services for the Phillippi Creek Septic System Replacement Program (PCSSRP), Area C, and the Bahia Vista Street Sidewalk Improvement Project Contract, and the use, commitment, and the legal obligation relating to the Telecommunications Tax/debt.

Commr. Patterson moved to approve Contract No. 2007-004 with Westra Construction Corporation for the construction of the PCSSRP, Area C, and the Bahia Vista Street (Pinecraft Neighborhood) Sidewalk Improvement Project, in the amount of \$10,512,750.53. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:38:49)

9. CONTRACTS/RESOLUTIONS - Continued

Environmental Services Project Scientist Curtis Smith and Environmental Services Executive Director Rob Patten responded to inquires regarding clarification of the total cost and the status of a "no wake zone"/sign installation. Commr. Thaxton requested a status report on the installation of more effective signage in the area relative to the Spoil Islands Restoration Project, without objection.

Chair Mills requested that maps be included in future Staff reports and Commr. Patterson requested a diagram on how the revetment will work and connect to the shoreline, without objection.

Commr. Patterson moved to approve/adopt the following Items:

9. CONTRACTS/RESOLUTIONS - Continued

- Contract No. 2007-007, Amendment No. 1 to Contract No. 2005-291, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the Spoil Islands Restoration Project to extend the completion date to December 31, 2008; to extend the Contract period to December 31, 2009; to postpone the Jim Neville Preserve Phase; and, to increase SWFWMD's share of funding for Project construction costs, in the amount of \$200,000.00;
- Resolution No. 2006-207, Budget Amendment No. B2007-002, to appropriate the funding.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
(9:45:48)

11. CONTRACTS - Continued

Following comments, Health and Human Services Criminal Justice Coordinator General Manager James Schulz and County Administrator James Ley advised that Staff will provide a report on the funding source (Grants-In-Aid versus the General Fund) for the services provided by Gulfcoast Legal Services and Legal Aid of Manasota, Inc.

Commr. Mercier moved to approve the following Items:

- Contract No. 2007-008, a Professional Services Agreement, with Gulfcoast Legal Services for legal services, in the amount of \$17,644.80;
- Contract No. 2007-009, a Professional Services Agreement, with Legal Aid of Manasota, Inc., for legal services, in the amount of \$63,861.73.

The motion, seconded by Commr. Staub, carried by a 5-0 vote.
(9:51:01)

12. CONTRACTS - Continued

Commr. Staub inquired regarding the Board's role/involvement in the Englewood Redevelopment Plan and requested to ensure that Staff not schedule the Englewood Community Redevelopment Agency (CRA) Advisory Board meetings on Board meeting days, provide periodic written updates (at 35 percent of the phase), and early involvement in the planning process, without objection.

Discussions were held with County Administrator James Ley and Planning and Development Services Community Redevelopment Area Coordinator Christine Davis on the following topics/issues:

- the Board's role/authority/opportunities
- Staff to schedule a future discussion item/workshop setting
- length of time for the planning process/cost
- status/projects.

Commr. Staub moved to approve Contract No. 2007-010, a Professional Services Agreement, with Stantec Consulting Services, Inc., for the update of the Englewood Redevelopment Plan, in the amount of \$149,468.00. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
(9:58:36)

14. CONTRACTS - Continued**16. RESOLUTIONS/CONTRACTS - Continued**

Commr. Mercier commented on the bid process/performance associated with Items 14 and 16.

Discussions were held with Financial Planning Asset General Manager Dale Roberts, Public Works Executive Director Jim Harriott, and Public Works Transportation Mobility Planning Manager Paula Wiggins on the following topics/issues:

- bid process/economy/success rate/improvements to the process
- verification of low bids/process for Contract Change Orders
- Item 14/area map depiction of the stormwater pond/request for labeled maps, without objection.

Commr. Mercier moved to approve/adopt Items 14 and 16 as follows:

- Contract No. 2007-011 with Kuxhausen Construction, Inc., for the construction of the Tuttle Avenue/University Parkway Intersection Improvement Project, in the amount of \$1,641,167.58;
- Resolution No. 2006-209, amending Resolution No. 2005-273, the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission, to add the Pine Street Improvement Project to the list of authorized projects;
- Contract No. 2007-013 with Frederick Derr and Company, Inc., for the construction of the Pine Street Improvement Project, in the amount of \$2,649,895.58.

The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(10:05:08)

24. ADVISORY COUNCILS

The Board considered a presentation of the Bicycle, Pedestrian, Trails Advisory Committee (BPTAC) Annual Report by BPTAC Chair Mark Blumenthal.

Following comments by Public Works Transportation Mobility Planning Manager Paula Wiggins, BPTAC Chair Mark Blumenthal summarized the Committee's activities, concerns, and future projects. Discussions were held with Mr. Blumenthal on the following topics/issues:

- Item 7/Committee's support for a Bicycle Coordinator Position/allocation/funding for a full time position
- FDOT (Florida Department of Transportation) support/signage
- sign/yield to pedestrians/suggestion to add "and bicycles" to existing signage
- penalty/amount/three-foot distance from bicyclists
- signage/without wording
- request for the attendance records of the Committee, without objection.

Chair Mills commended the members of the BPTAC for their service to the County.

(10:34:38)

25. ADVISORY COUNCILS

The Board considered the following Items:

- A.** The appointment of one individual to serve an unexpired three-year term on the Keep Sarasota County Beautiful Advisory Board (KSCBAB), effective through June 2008;
- B.** The appointment of two individuals to serve unexpired three-year terms on the KSCBAB, effective through January 2009;
- C.** The appointment of Tiffany Letzo to serve a one-year term on the KSCBAB as the STAR (Students Taking Active Roles) in Government Representative, effective through September 2007.

Commr. Staub nominated Thomas Westfall. Commr. Thaxton nominated Joyce Raby. Commr. Patterson nominated Donald Jacobovitz.

Commr. Staub moved, and Chair Mills closed the nominations without objection.

Following a vote on the nominations, Chair Mills noted the appointments to serve on the KSCBAB as follows:

Joyce Raby to fill an unexpired three-year term effective through June 2008;
Thomas Westfall and Donald Jacobovitz to fill two unexpired three-year terms,
effective through January 2009.

Commr. Thaxton moved to appoint Tiffany Letzo to serve a one-year term on the KSBAB as the STAR Representative, effective through September 2007. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(10:38:27)

26. ADVISORY COUNCILS

The Board considered the appointment of two individuals to serve three-year terms on the Nokomis Center Revitalization Advisory Committee (NCRAC), effective through September 2009.

Commr. Staub nominated Judy King-Bechdolt. Commr. Thaxton nominated Brian Copper. Commr. Patterson nominated David Moskowitz. Commr. Mercier nominated Richard Kerkering.

Commr. Thaxton moved to close the nominations. The motion, seconded by Commr. Staub, carried without objection.

Following a vote on the nominations, Chair Mills noted the appointments of Judy King-Bechdolt and Brian Copper to serve three-year terms on the NCRAC, effective through September 2009.

RECESS: 10:40 a.m. - 10:55 a.m.

27. ENVIRONMENTAL SERVICES

The Board considered the Solid Waste Automated Collection Pilot Program.

Environmental Services Solid Waste Collections Manager Larry Alexander submitted a copy of the PowerPoint presentation and provided an overview of Staff's report on the Solid Waste Automated Collection Pilot Program.

27. ENVIRONMENTAL SERVICES - Continued

Discussions were held with Mr. Alexander and Environmental Services Executive Director Rob Patten on the following topics/issues:

- customer survey results/size of containers/96 gallon/use by Municipalities/ outside versus inside storage of containers/costs/number of citizens served
- recycling and yard waste/existing and future plans/simultaneous pickup times
- truck weight/automated collection versus existing vehicles
- status of contracts/negotiations
- North versus South County survey results/map of the routes/pilot areas/smaller vehicles for narrower roadways
- advantages/disadvantages/storage areas/deed restrictions
- next steps/request for input from the haulers, without objection.

(11:13:21)

28. CONTRACTS

The Board considered a Contract with Erickson Consulting Engineers, Inc., for the design and permitting of the Midnight Pass Reopening Project.

Environmental Services Coastal Resources Manager Laird Wreford provided background information and commented on the status of the design and permitting of the Midnight Pass Reopening Project.

Karyn Erickson of Erickson Consulting Engineers, Inc., provided an overview and objectives for the design and permitting of the Midnight Pass Reopening Project. Discussions were held with Ms. Erickson and Mr. Wreford on the following topics/issues:

- depiction on the map/sand trap
- cost increases/examples/equipment (barges)/original versus new Project costs/operational and maintenance costs/permitting/design/engineering versus construction costs
- time frame for construction/request for a report on the funding source/costs, without objection
- current versus prior costs/increases/suggestion to schedule a workshop to address the funding source, without objection.

Following an overview of the Contract terms, scope of services, and total costs, Ms. Erickson responded to inquiries regarding future costs/expectations and the maintenance estimates versus the amount of sand and quantity needed for a beach nourishment of Casey Key. Ms. Erickson noted the future possibility for a supplemental sand source for development of a beach nourishment plan in addition to the maintenance cost. Commr. Patterson requested an analysis on future impacts/costs to the community associated with the development of a beach nourishment plan. Commr. Thaxton requested a Staff report on options to allow the Board to "opt out" of the maintenance obligations, without objection.

Commr. Staub moved to approve Contract No. 2007-015, Amendment No. 1 to Contract No. 2004-175, with Erickson Consulting Engineers, Inc., for the design and permitting of the Midnight Pass Reopening Project, in the amount of \$272,099.00. The motion was seconded by Commr. Patterson. Following individual comments, the motion carried by a 4-1 vote, with Commr. Thaxton voting "No."

(12:02:59)

32. CLERK'S REPORT**A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

The Filed for Record List was noted.

(12:03:15)

29. CONTRACTS/RESOLUTIONS

The Board considered the following Items:

- A.** A proposed Contract, a Tax Exemption Covenant, with Historical Waterworks, LLC, Owner, for the historic City Waterworks Building, located at 1005 North Orange Avenue, Sarasota, specifying the amount of the exemption (up to 100 percent) and its length (up to ten years);
- B.** A proposed Resolution to grant Ad Valorem Tax Exemption for the City Waterworks Building.

Community Services History Center Historical Resources Specialist Lorrie Muldowney provided an overview of the proposals/properties located within the Municipalities, noted a private entity, and the ownership of the property.

Commr. Thaxton moved to approve Contract No. 2007-016, a Tax Exemption Covenant, with Historical Waterworks, LLC, Owner, for the historic City Waterworks Building, located at 1005 North Orange Avenue, Sarasota, specifying the amount of the exemption (up to 100 percent) and its length (up to ten years). The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Thaxton moved to adopt Resolution No. 2006-216, to grant Ad Valorem Tax Exemption for the City Waterworks Building. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(12:06:36)

30. CONTRACTS/RESOLUTIONS

- A.** To consider a proposed Contract, a Tax Exemption Covenant, with Elizabeth Sublett, Owner, for the historic Ella Dula Westerman Tenant House, located at 1716 Oak Street, Sarasota, specifying the amount of the exemption (up to 100 percent) and its length (up to ten years);
- B.** To consider a proposed Resolution to grant Ad Valorem Tax Exemption for the Ella Dula Westerman Tenant House.

Community Services History Center Historical Resources Specialist Lorrie Muldowney provided an overview of the proposals.

Commr. Staub moved to approve Contract No. 2007-017, a Tax Exemption Covenant, with Elizabeth Sublett, Owner, for the historic Ella Dula Westerman Tenant House, located at 1716 Oak Street, Sarasota, specifying the amount of the exemption (up to 100 percent) and its length (up to ten years). The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-217 to grant Ad Valorem Tax Exemption for the Ella Dula Westerman Tenant House. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Following an inquiry, Ms. Muldowney commented on the City of Sarasota's participation in the process.

(12:09:24)

31. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-075, exempting the County from Section 316.2123, Florida Statutes, which permits operation of All-Terrain Vehicles (ATV's) during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour.

Public Works General Manager Thomas Maroney summarized the proposal and noted Staff's recommendation for approval. Discussions were held with Sheriff's Office Lieutenant Kevin McElyea, on enforcement issues.

Commr. Mercier moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Mercier moved to adopt Ordinance No. 2006-075, approving the County's exemption from Florida Statutes. The motion was seconded by Commr. Patterson. Following discussion with County Attorney Stephen DeMarsh, the motion carried by a 5-0 vote.

RECESS: 12:14 p.m. - 1:30 p.m.

38. OPEN TO THE PUBLIC**A. PUBLIC WORKS/ENVIRONMENTAL SERVICES**

Mr. Bob Neff commented on bicycle path signage and the engineering proposal for the design and permitting of the Midnight Pass Reopening Project.

B. ELECTIONS

Ms. Becky Ayech commented on the proposed Charter Amendment regarding paper ballots and the County's voting system. Discussions were held regarding the voting system.

C. MUNICIPALITIES/PLANNING AND DEVELOPMENT SERVICES/STATE AGENCIES

The following individuals commented on the City of Venice's Comprehensive Plan Amendment No. 06-05CP regarding S&J Properties (submitted a copy of a transcript of the Venice City Planning Commission meeting of October 3, 2006).

Attorney Brendan Rowe
Dr. Robert Burrus
Dr. Barri Burrus

Commr. Thaxton moved to direct Staff to draft correspondence for the Chair's signature to the FDCA regarding the Board's concerns with the City of Venice's Comprehensive Plan Amendment Petition No. 06-05CP. The motion was seconded by Commr. Staub. Following discussion with County Administrator James Ley, the motion carried by a 4-1 vote, with Commr. Mercier voting "No."

(2:08:20)

39. PLANNING AND DEVELOPMENT SERVICES

The Board considered revisions to the Zoning Code or Land Development Regulations (LDR) to require buffering installation prior to the commencement of horizontal construction.

39. PLANNING AND DEVELOPMENT SERVICES- Continued

Planning and Development Services Chief Building Official Paul Radauskas presented an overview of Staff's report on the proposed revisions to the Zoning Code or LDR. Discussions were held with Mr. Radauskas on the following topics/issues:

- development/time frame/buffers
- clear cutting/Code regulation
- removal of trees/Tree Protection Ordinance
- density allowance.

Commr. Staub request that Staff bring back a report on tree protection revisions to the Zoning Code and/or Ordinance, without objection.

(2:21:32)

40. RESOLUTIONS

The Board considered a proposed Resolution, a Joint Resolution with Manatee County, requesting the State of Florida to restore funding of the Sarasota-Manatee Metropolitan Planning Organization's (MPO) Major Project Priorities to the levels the Projects were funded in the Florida Department of Transportation's (FDOT) Fiscal Year (FY) 05/06 through FY 09/10 Five-Year Work Program.

Following comments, Commr. Staub moved to adopt Resolution No. 2006-218 requesting that the State of Florida restore funding of the Sarasota-Manatee Metropolitan Planning Organization's (MPO) Major Project Priorities to the levels the Projects were funded in the FDOT's FY 05/06 through FY 09/10 Five-Year Work Program. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(2:22:29)

41. PUBLIC WORKS

The Board considered a status report on the Transportation Mobility Projects within the Capital Improvement Program (CIP).

Public Works Executive Director Jim Harriott, Public Works Road Program Manager Gary Downing, Public Works Mobility General Manager Carolyn Eastwood (submitted copy of the PowerPoint presentation), Public Works Mobility Senior Technical Specialist Jeff Roberts, and Public Works Mobility Planning Manager Paula Wiggins presented a status report on the Transportation Mobility Projects within the CIP.

Discussions were held with Mr. Harriott, Ms. Eastwood, Ms. Wiggins, Mr. Roberts, Mr. Downing, and County Administrator James Ley on the following topics/issues:

- "R-steel" versus "S-steel"
- definition of "Earthwork"
- number of road construction projects/cost/lane miles
- acquisition of the railroad crossing at McIntosh Road/time frame
- Fruitville Road/Cattlemen Road Intersection Project
- North Cattlemen Road Project/funding source
- Fruitville Road/four-lane project/Interstate 75 (I-75) to the International Trade Center/right-of-way acquisition
- Dearborn Road Project/funding source
- Garden Elementary School/Venice East Sidewalk Project/time frame
- University Parkway/Tuttle Avenue Intersection Project/time frame

41. PUBLIC WORKS - Continued

- Bee Ridge/Swift Roads Intersection Project/time frame
- U.S. 41/Annex Road Intersection Project
- Pine Street/Road Design Project/time frame
- request to inform the Oakleaf Subdivision homeowners on the status of the Proctor Road Phase 2 Road Design Project, without objection
- Venice Avenue/Jacaranda Boulevard Intersection Project/advertisement date/Developer Agreements/concurrency/funding amounts/request for a Staff report on Developer Agreements, without objection.
- Proctor Road/drainage/modifications/impacts on the design process/time frame
- Honore Avenue Project/amount of property acquisition/advertisement/time frame/funding source
- Blackburn Point/U.S. 41 Intersection Project/status
- request to not schedule the ribbon cutting ceremony for the Porter Road/Palmer Boulevard Project on a Venice City Council meeting date, without objection
- Mink Road Project/resurfacing
- Colonia Lane Construction Project/community support
- U.S. 41/Nokomis Project/completion date/time frame
Commr. Thaxton moved to direct Staff to draft correspondence for the Chair's signature to send to Florida Department of Transportation (FDOT) District One Secretary Stanley Cann to request an intervention with the contractor on the time frame for the completion of the U.S. 41/Nokomis Improvement Project. Following discussion with Mr. Harriott, the motion, seconded by Commr. Staub, carried by a 5-0 vote.

RECESS: 3:31 p.m. - 3:41 p.m.

33. COUNTY ADMINISTRATOR'S REPORT

County Administrator James Ley presented and discussed the following items:

- proposed elements for a Joint Planning Agreement (JPA)
- exemption requests on the moratorium regarding annexations
- request from the Town of Longboat Key for a \$5,000.00 contribution to initiate a traffic study to determine traffic characteristics for St. Armand's Circle, Lido Beach, Longboat Key, Bradenton Beach, and Holmes Beach.
Commr. Patterson moved to contribute funds to the Town of Longboat Key for the traffic study in the amount of \$5,000.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(3:47:52)

34. COUNTY ATTORNEY'S REPORT

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 822, noting the filing of a Motion to Dismiss or for a More Definite Statement on behalf of all defendants in the case of Elizabeth Cuevas-Neunder Pro-Se v. Sarasota County (Case No. 2006-CA-007949NC).

34. COUNTY ATTORNEY'S REPORT - Continued

- Interoffice Memorandum No. 820, noting a request for Board input to join in the appeal in the case of Sarasota Alliance for Fair Elections (S.A.F.E.) v. Sarasota County (Case No. 2006-CA-7727NC).
Commr. Staub moved to approve Staff's recommendation to file a Notice of Joinder in the appeal. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(4:06:58)

35. COMMISSION REPORTS**A. COMMISSIONER THAXTON**

Commr. Thaxton commented on and discussions were held on the following topics/issues:

- request that Staff evaluate the cost/feasibility to remove the center span at the Curry Creek railroad crossing, without objection
- request to schedule a discussion item regarding the annual testing and certification of backflow prevention devices, without objection
- presentation at New College of Florida regarding New Urbanist Mixed-Use Form of Development
- request by the Junior League of Sarasota to designate their cookbook as the official cookbook of the County
- non-binding versus binding Development Concept Plans
- request that Staff draft correspondence for signature by each Board Member to the Developer of the project at Fruitville/Tree Roads requesting the Developer to comply with the original development plan, without objection.

(4:19:47)

B. COMMISSIONER STAUB

Commr. Staub commented on and discussions were held on the following topics/issues:

- Lemon Bay League/Watershed Grant
Commr. Staub moved to direct Staff to draft correspondence for the Chair's signature to send to the Lemon Bay League supporting the United States Department of Environmental Protection Watershed Grant Application. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- request for an update of the South Venice Community Plan Project, without objection
- request for a copy of the City of North Port's proposed Ordinance on golf carts on neighborhood roads, without objection
- correspondence from a Collier County Commissioner regarding a joint Resolution with all the Counties supporting elected members to all Water Management District Governing Boards, request to oppose the initiative, without objection
- correspondence received from Spanish Pointe Shores requesting for the dredging of the Intercoastal Waterways on their shorelines
- alternative options/inmates/overcrowded jails

35. COMMISSION REPORTS - Continued**B. COMMISSIONER STAUB - Continued**

request that Staff draft correspondence for the Chair's signature to send to the Florida Department of Corrections expressing concern with the Policy cost and the accelerated timing of reached capacity at the County Jail, without objection

- Regional Growth Management Convocation

Commr. Staub move to direct Staff to schedule a Regional Growth Management Convocation in the first quarter of 2007. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(4:35:20)

C. COMMISSIONER PATTERSON

Commr. Patterson commented on and discussions were held on the following topics/issues:

- request by the City of Venice for funds to assist in building an artificial reef
- request by the Film Commission Task Force for a contribution
- emails on potential drainage and traffic impacts regarding Riverview High School reconstruction/County input

Commr. Patterson moved to direct Staff to develop an Agreement with the School Board to establish a process to address offsite impacts of school development. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote.

- Ordinance/leash law on the Bayfront Park.

(See Item later this meeting.)

(4:47:05)

D. COMMISSIONER MERCIER

Commr. Mercier commented on and discussions were held on the following topics/issues:

- upcoming Florida Association of County (FAC) meeting suggestion with Board Members traveling as a group/Risk Management/suggestion to change the date of the Joint Meeting with the City of North Port and the City of Venice due to the FAC meeting
- vacant County-owned property in Englewood/future use
- Martin Lee Anderson Act/Police Officers/no weapons within 150 feet of the Juvenile Assessment Center (JAC)/relocation of the JAC facility.

Following discussions with Health and Human Services Criminal Justice Coordinator General Manager James Schulz, Commr. Mercier moved to direct Staff to evaluate the legality of forcing Deputies to remove their protective devices and to review the possibility of a request for a Declaratory Judgment. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(5:00:26)

E. CHAIR MILLS

Chair Mills commented on and discussions were held on the following topics/issues:

- McIntosh Middle School/landscape vandalism
- Collier County's request to the State for a Special Session on insurance
- Renourishment of Turtle Beach Project/sand quality.

(5:04:47)

35. COMMISSION REPORTS - Continued

C. COMMISSIONER PATTERSON - Continued

Commr. Patterson commented on an email from the Florida Power and Light (FPL) Company on the proposed location of a transmission line. (See Item earlier this meeting.)
(5:05:56)

36. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated October 4, 2006. The following assignments were noted/discussed:

- Item No. 06116, ID No. 01
- Item No. 06104, ID No. 02
- Item No. 06121, ID No. 04
- Item No. 06093, ID No. 05
- Item No. 06109, ID No. 07
- Item No. 06101, ID No. 06

(5:06:38)

37. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule.
(5:07:15)

42. CONTRACTS

The Board considered the Evaluation of the County Administrator.

County Administrator James Ley submitted copies of the 2006 State of the Organization, an article on Environmental Management System (EMS), and the first annual Roadmap to Sustainability and gave an overview on the organization and Staff development and summarized the Administration's activities, future goals and objectives.

Individual comments followed regarding accomplishments/priorities, Staff's contributions/efforts, policy issues, and improvements. Discussions were held with County Administrator Ley on salary negotiations (percentage increase and car allowance provision), benefits package, life insurance costs and health savings account. Chair Mills advised that he will evaluate the option of the life insurance and bring back to the Board for consideration, without objection.

(5:47:56)

Commr. Mercier moved to proceed with the Employment Agreement with County Administrator Ley. The motion, seconded by Commr. Staub, carried by 5-0 vote. Individual comments followed.

MEETING ADJOURNED: 5:55 p.m.